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March 22, 2022

VIA ECF

Honorable David S. Jones
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

ENDORSED ORDER:

Application granted. So ordered.

Dated: March 29, 2022 DSJ, UBSJ

Re: Jefferies, LLC and Jefferies Group, LLC v. Rick Alan Davidson
Adv. Pro. No. 19-1395 (DSJ)

Dear Judge Jones,

This firm represents defendant Rick Alan Davidson (“Davidson”). We write jointly and with the consent of counsel for plaintiffs Jefferies, LLC and Jefferies Group, LLC (collectively, “Jefferies”), we submit this letter to provide an update on the status of discovery in this matter and to request an extension of the current fact discovery deadline, which pursuant to Your Honor’s last Order is March 31, 2022.

As discussed during the January 27, 2022 case management conference, , the parties are in the midst of discovery and have served upon each other Interrogatories and Requests for the Production of Documents. In responding to those demands, Plaintiffs and Defendant collaboratively worked out issues regarding the Plaintiffs’ obligations to conduct searches for electronically stored information (“ESI”) and produced documents responsive to Defendants’ document requests. That process included the exchange of proposed search terms and then the consensual narrowing of those terms based upon the voluminous number of responsive hits. Beginning on November 1, 2021 and continuing through November 15, 2021, Plaintiffs have produced, on a rolling basis, over 2,700 pages of documents along with a 16-page Privilege Log asserting privilege to 194 documents.

Defense counsel has undertaken efforts to review the produced documents and upon doing so raised an objection with Plaintiff’s assertion of privilege on a number of those documents. The parties met and conferred on November 15, 2021, for the purpose of discussing the scheduling of depositions and addressing initial concerns about the document production. The parties further met and conferred on November 19, 2021, whereby a procedure was agreed upon concerning those objections to Plaintiff’s assertion of privilege with a mutual commitment made to attempt to resolve those objections without burdening Your Honor on this issue of privilege, if possible. We are continuing to narrow those issues.

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During our last meet and confer, both Plaintiffs and Defendant identified the anticipated deposition witnesses, and have exchanged a number of communications between counsel and potential witnesses in effort to ascertain the availability for those respective witnesses, which including both party and non-party witnesses is expected to be 8 or 9 witnesses. The debtor's accountant has sought to delay his deposition until after the April 2022 tax season deadline passes. Furthermore, the debtor is facing a number of concurrent adversary proceedings in which there has been a flurry of activity including the unexpected filing of amended complaints with respect to the debtors two children. Owing to a number of reasons including the demands put upon this office by virtue of representations in other matters which have been scheduled to proceed to trial and/or hearing after long COVID induced delays, we have been unable to schedule those depositions and/or complete the remaining necessary discovery in this matter within the existing fact discovery deadline. Therefore, the parties jointly agreed that, given the scope of remaining discovery in this matter, it is necessary to request an extension of the fact discovery deadline to May 31, 2022 or to some future date that is agreeable to Your Honor.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s Jason A. Stewart
Jason A. Stewart

cc: Alan J. Brody, Esq. (via electronic mail)